

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appellant(s): Miettinen, Timo K.
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Examiner: Phuong, Dai
Title: TERMINAL, METHOD AND COMPUTER PROGRAM PRODUCT FOR
INTERACTING WITH A SERVICE PROVIDER VIA A SIGNALING TAG

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APPEAL BRIEF UNDER 37 CFR § 41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed July 11, 2007.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Nokia Corporation, the assignee of the above-referenced patent application.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application or its subject matter.

3. ***Status of Claims.***

The present application includes pending Claims 1-23, 25, 27 and 29, all of which stand rejected. All of pending Claims 1-23, 25, 27 and 29 are hereby being appealed.

4. ***Status of Amendments.***

There are no unentered amendments in this application.

5. ***Summary of Claimed Subject Matter.***

Independent Claim 1 recites a terminal **10** for interacting with a service provider **72** for accessing a remote service. *See* Pat. Appl., FIG. 3. As recited, the terminal includes a controller **42** (*see* FIG. 2) configured for actively operating an application **76**, for receiving information from a RF transponder tag **56** or a device **54** adapted to operate as a RF transponder tag at least partially over an air interface. *Id.* at FIGS. 1, 3; FIG. 4, block **82**; and p. 14, ll. 14-28. The information includes a service type representing a service offered by the service provider. *Id.* at p. 12, ll. 5-19; and p. 14, ll. 9-13. The controller is configured for contacting the service provider for accessing the service, and thereafter performing a predefined action based upon (a) the service type, (b) the application actively operating on the terminal, and (c) a current state of the application when the controller receives the information. *Id.* at FIG. 4, blocks **88-94**; and p. 15, l. 16 – p. 16, l. 15. The controller is configured for alternately performing a first predefined action when the terminal is actively operating an application in a state of receiving data, and performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data. *Id.* In this regard, the application is in a state of either receiving data or presenting data when the controller receives the information. *Id.* More particularly, as recited by dependent Claim 25, for example, the first predefined action may include receiving data from the service into the actively operating application (*see* FIG. 4, block **92**); and the second predefined action may include sending data presented by the actively operating application to the service (*see* FIG. 4, block **94**).

Depending from independent Claim 1, Claim 5 provides that the controller is further configured for selecting a signaling tag before receiving information regarding the signaling tag, where the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag. Pat. Appl., FIG. 4, block **80**; and p. 13, l. 26 – p. 14, l. 9. And as further recited by Claim 7 (depending from Claim 5), the controller is configured for sending at least one interrogation signal to the RFID transponder tag, where each interrogation signal is associated with a different

service type. *Id.* at FIG. 4, block **80**; and p. 13, l. 26 – p. 14, l. 9; and p. 14, ll. 19-28. The controller is therefore also configured for receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and thereafter identifying a service type based upon the interrogation signal that triggers the response. *Id.*

Independent Claim 9 recites a method of interacting with a service provider **72** for accessing a remote service. *See* Pat. Appl., FIG. 3. As recited, the method includes receiving information from a RF transponder tag **56** or a device **54** adapted to operate as a RF transponder tag at a terminal **10** at least partially over an air interface. *Id.* at FIGS. 1, 3; FIG. 4, block **82**; and p. 14, ll. 14-28. Similar to independent Claim 1, the information includes a service type representing a service offered by the service provider. *Id.* at p. 12, ll. 5-19; and p. 14, ll. 9-13. The method also includes contacting the service provider for accessing the service, and performing a predefined action based upon (a) the service type, (b) an application actively operating on the terminal, and (c) a current state of the application when the information is received. *Id.* at FIG. 4, blocks **88-94**; and p. 15, l. 16 – p. 16, l. 15. Performing the predefined action includes alternately performing a first predefined action when the terminal is actively operating an application in a state of receiving data, and performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data. *Id.* In this regard, the application is in a state of either receiving data or presenting data when the controller receives the information. *Id.* More particularly, as recited by dependent Claim 27, for example, the first predefined action may include receiving data from the service into the actively operating application (*see* FIG. 4, block **92**); and the second predefined action may include sending data presented by the actively operating application to the service (*see* FIG. 4, block **94**).

Depending from independent Claim 9, Claim 13 further recites selecting a signaling tag before receiving information regarding the signaling tag, where the signaling tag comprises a RFID transponder tag. Pat. Appl., FIG. 4, block **80**; and p. 13, l. 26 – p. 14, l. 9. And as recited by Claim 15 (depending from Claim 13), the method may further include sending at least one interrogation signal to the RFID transponder tag, where each interrogation signal is associated with a different service type. *Id.* at FIG. 4, block **80**; and p. 13, l. 26 – p. 14, l. 9; and p. 14, ll.

19-28. In addition, as per Claim 15, the method may include receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and identifying the service type based upon the interrogation signal that triggers the response. *Id.*

Independent Claim 17 recites a computer program product for interacting with a service provider **72** for accessing a remote service, where the computer program product includes a computer-readable storage medium having computer-readable program code portions stored therein. *See* Pat. Appl., FIG. 3; and p. 19, l. 30 – p. 20, l. 29. As recited, the computer-readable program code portions include first, second and third executable portions. The first executable portion is for receiving information from a RF transponder tag **56** or a device **54** adapted to operate as a RF transponder tag at a terminal **10** at least partially over an air interface. *Id.* at FIGS. 1, 3; FIG. 4, block **82**; and p. 14, ll. 14-28. Again, the information includes a service type representing a service offered by the service provider. *Id.* at p. 12, ll. 5-19; and p. 14, ll. 9-13.

The second executable portion is for contacting the service provider for accessing the service; and the third executable portion is for performing a predefined action based upon (a) the service type, (b) an application actively operating on the terminal, and (c) a current state of the application when the first executable portion receives the information. *Id.* at FIG. 4, blocks **88-94**; and p. 15, l. 16 – p. 16, l. 15. The third executable portion is adapted to alternately perform a first predefined action when the terminal is actively operating an application in a state of receiving data, and perform a second, different predefined action when the terminal is actively operating an application in a state of presenting data. *Id.* As before, the application is in a state of either receiving data or presenting data when the controller receives the information. *Id.* More particularly, as recited by dependent Claim 29, for example, the first predefined action may include receiving data from the service into the actively operating application (*see* FIG. 4, block **92**); and the second predefined action may include sending data presented by the actively operating application to the service (*see* FIG. 4, block **94**).

Depending from independent Claim 17, Claim 21 further recites a fourth executable portion for selecting a signaling tag before receiving information regarding the signaling tag, where the signaling tag comprises a RFID transponder tag. Pat. Appl., FIG. 4, block **80**; and p. 13, l. 26 – p. 14, l. 9. And as recited by Claim 23 (depending from Claim 21), the computer

program product may further include a fifth executable portion for sending at least one interrogation signal to the RFID transponder tag, where each interrogation signal is associated with a different service type. *Id.* at FIG. 4, block 80; and p. 13, l. 26 – p. 14, l. 9; and p. 14, ll. 19-28. In addition, as per Claim 23, the computer program product may include a sixth executable portion for receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and a seventh executable portion for identifying the service type based upon the interrogation signal that triggers the response. *Id.*

6. ***Grounds of Withdrawal/Rejection to be reviewed on Appeal.***

Currently, Claims 1-4, 9-12, 17-20, 25, 27 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0116268 to Fukuda, in view of U.S. Patent Application Publication No. 2002/0087656 to Gargiulo et al. The remaining claims, namely Claims 5-8, 13-16 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuda in view of Gargiulo, and further in view of U.S. Patent Application Publication No. 2005/0125561 to Miyaji.

7. ***Argument.***

As explained below, Appellant respectfully submits that the claimed invention is patentably distinct from Fukuda, Gargiulo and Miyaji, taken individually or in combination. In view of the remarks presented herein, Appellant respectfully requests reconsideration and reversal of the final rejection of all of the pending claims of the present application.

As background, the primary cited reference, namely Fukuda, discloses an information propagation system, device and terminal, and an associated information provision method, for allowing a user to acquire information on an object such as a general-purpose product or relating to an advertisement over a network without having to write the network address. As disclosed, an RF-ID tag storing a uniform resource locator (URL) of a server providing information is attached to a paper-based advertisement. A user carries a personal digital assistant (PDA) including an installed RF-ID reader. Accordingly, the user desiring to obtain this information

over the Internet utilizes the PDA to receive the URL from the RF-ID tag installed in that advertisement and access the Internet.

Gargiulo discloses a system and method of delivering and reproducing personalizing ringing tune data or other multimedia content to the browser of a mobile station, where the user may be permitted to preview the content and either decline or approve the content (the user being billed for the content if approved). As disclosed, the user may initiate a request for a ring tune deck from a media server by entering the URL of a media server into the user's mobile station, or otherwise selecting the URL from a pre-stored bookmark list of URLs. In response to the request, the media server delivers (to the mobile station) a HDML deck including links that define ring tune or other media categories to the mobile station. Following selection of one of the categories by the user, the media server delivers another HDML deck including links to the ring tunes based on the selected category. Then, following selection of one of the ring tunes, the media server sends the selected ring tune to the mobile station along with a reply URL with transaction number, tune/bitmap data and a label tag. The user may then preview the ring tune, and either discard or accept the ring tune, the user being billed for the ring tune if it's accepted.

A. Claims 1-4, 9-12, 17-20, 25, 27 and 29 are Patentable

Aspects of the present invention provide a terminal, method and computer program product for interacting with a service provider for accessing a remote service. As embodied in previously presented independent Claim 1, for example, the terminal includes the following (annotated in bold with alleged corresponding disclosure from Fukuda and Gargiulo):

a controller configured for actively operating an application, wherein the controller is configured for receiving information from a RF transponder tag or a device adapted to operate as a RF transponder tag at least partially over an air interface, wherein the information includes a service type representing a service offered by the service provider [Fukuda at FIGS 1, 2; paragraphs [0032] – [0087] – the portable 12 receives URL, detailed advertising information and advertising identification number from an advertisement],

wherein the controller is configured for contacting the service provider for accessing the service, and thereafter performing a predefined action based upon the service type, the application actively operating on the terminal, and a current state of the application when the controller receives the information [Fukuda at

FIGS 1, 2; paragraphs [0032] – [0087] – portable 12 uploads user information stored in user information memory 56 and also the advertisement identification number stored in the URL memory 57. The portable 12 then downloads the homepage from the server that was accessed – i.e., performs a predefined action], and

wherein the controller is configured for alternately performing a first predefined action [Fukuda - downloads the homepage] when the terminal is actively operating an application in a state of receiving data, and performing a second, different predefined action [Fukuda - displays the detailed advertising] when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information [Gargiulo – FIG. 5; and paragraphs [0160] – [0180]].

In contrast to independent Claim 1, neither Fukuda nor Gargiulo (nor Miyaji), taken individually or in any proper combination, teach or suggest performing a predefined action based upon (a) information relating to the service type (received from a RF tag or a device adapted to operate as such), (b) an application actively operating on the terminal, and (c) a current state of the application when the controller receives the information, where the predefined action (first predefined action or second predefined action) differs for different states of the application (receiving data or presenting data).

In the final Official Action of April 9, 2007, the Examiner alleged that Fukuda discloses all of the features of independent Claim 1 except for performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information. For this feature, the Examiner cited Gargiulo, and alleged that one skilled in the art would have been motivated to modify Fukuda per Gargiulo to teach the claimed invention, the alleged motivation being to “allow a consumer [*sic*] preview the multimedia content and either approve or decline being for [*sic*] said particular multimedia message content.” Official Action of Apr. 9, 2007, p. 3. Appellant respectfully disagrees, and submits that not only do Fukuda and Gargiulo fail to teach or suggest the claimed features attributed thereto, but one skilled in the art would not be led to their combination to teach the claimed invention.

Initially, Appellant notes that independent Claim 1 recites a controller being configured to alternately perform first and second predefined actions depending on the state of an application when the controller receives information from an RF transponder tag, or a device adapted to operate as an RF transponder tag. In rejecting independent Claim 1, the Official Action alleges that Fukuda discloses a controller “configured for alternately performing a first predefined action when the terminal is actively operating an application in a state of receiving data ...” Official Action of April 9, 2007, page 3 (emphasis added). The Official Action then concedes that Fukuda does not teach or suggest “performing a second predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information.” *Id.* Appellant respectfully submits, however, that in the context of independent Claim 1, the adverb alternately refers to performance of both of the first and second predefined actions. That is, independent Claim 1 clearly recites alternate performance of the first and second predefined actions. Thus, if Fukuda does not teach or suggest performing a second predefined action, then Fukuda cannot reasonably teach or suggest alternately performing a first predefined action since by its very terms, cannot be interpreted without regard to the second predefined action.

(1) Fukuda

The Examiner has previously cited several paragraphs of Fukuda for allegedly disclosing different functions performed by a portable information terminal based upon information received from a tag. Contrary to the Examiner’s allegations, however, nowhere does Fukuda teach or suggest that any of those functions are performed based upon the state of an actively-operating application when the portable information terminal received that information from the tag, similar to the claimed invention. At paragraphs [0065] – [0074], Fukuda discloses a number of actions performed leading up to the portable information terminal receiving information from a tag; at paragraphs [0073] – [0074], Fukuda discloses the portable information terminal receiving information from the tag; and at paragraphs [0075] – [0082], Fukuda discloses a number of actions performed after the portable information terminal receives the information from the tag. Nowhere does Fukuda teach or suggest the terminal performing any action based

upon information from the tag (paragraphs [0075] – [0082]) and the state of any actively-operating application when the terminal received that information from the tag (paragraphs [0073] – [0074]), similar to the claimed invention.

In the Advisory Action of June 27, 2007, the Examiner cites portions of paragraphs [0079] and [0080] of Fukuda for allegedly disclosing the aforementioned feature of the claimed invention. In the cited passage, Fukuda discloses that, after receiving information from a tag, the portable information terminal uploads user information stored in user information memory **56** and also the advertisement identification number stored in URL memory **57**, and then downloads the homepage from of the server shown in the URL. Even considering this passage, however, Fukuda still does not teach or suggest uploading user information or the advertisement identification number, or even downloading the homepage, based upon the state of an actively-operating application at the time (i.e., when) the terminal received the information (including the URL) from the tag, similar to the claimed invention. Again, Fukuda makes no mention of the state of any actively-operating application when its terminal receives information from a tag, and as a consequence, does not disclose performing any actions based on the state of any such actively-operating application at that time.

(2) Gargiulo

As indicated above, in the final Official Action of April 9, 2007, the Examiner alleged that Gargiulo discloses performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information. To the contrary, however, nowhere does Gargiulo teach or suggest performing a predefined action when the terminal is actively operating an application in a state of presenting data when the controller receives information from a RF transponder tag or a device adapted to operate as a RF transponder tag. The Examiner may be inclined to allege that Gargiulo is not being relied upon for receiving information from a RF transponder tag or device adapted to operate as such. Appellant again notes, however, that the claim must be considered as a whole, and considering the antecedent basis for the limitation when the controller receives the information, the recitation

as to the second predefined action, like that as to the first predefined action, requires receipt of information from a RF transponder tag or device adapted to operate as such.

Moreover, Appellant notes that Gargiulo does not in fact teach or suggest a terminal performing any action based upon an actively-operating application in a state of presenting data at the time that terminal receives information with which the terminal contacts a service provider. One could argue that Gargiulo discloses a mobile station (terminal) contacting a service provider (media server) based upon information (URL) associated with that service provider or its service. Even considering this interpretation, however, Gargiulo does not teach or suggest any actively-operating application being in a state of presenting data at the time (i.e., when) the mobile station (terminal) receives that information (URL), much less performing any predefined action based on that state of presenting data, similar to independent Claim 1.

(3) *No Motivation to Combine Fukuda & Gargiulo*

Appellant further submits that even if one could argue (albeit incorrectly) that Fukuda and Gargiulo disclose the claimed features attributed thereto, one skilled in the art would not have been led to their combination as alleged. As explained above, Gargiulo is directed to a system and method for providing a consumer with a purchased commodity (ringing tune); and for this reason, Gargiulo discloses a system and method whereby the consumer may preview the commodity and either discard or accept it, the consumer being billed for the commodity if it's accepted. Fukuda, on the other hand, is directed to providing advertising information to a consumer through interaction with a paper-based advertisement including an RF-ID tag. And since nowhere does Fukuda teach or suggest that its advertising information is a purchased commodity, or even that its terminal receives the information in a manner other than that initiated by the consumer, one skilled in the art would not have been motivated to modify Fukuda to allow the consumer to preview the advertising information and either approve or decline it, as alleged by the Examiner. *See* Official Action of Apr. 9, 2007, p. 3.

Appellant does recognize (expressly without admission) that one could argue that the advertising method of Fukuda may lead to the purchasing method of Gargiulo. Even considering such an argument, however, Appellant submits that one skilled in the art would still not have

been motivated to combine Fukuda and Gargiulo as alleged. That is, one skilled in the art would still not have been motivated to modify Fukuda per Gargiulo to teach or suggest a system and method whereby any advertising action of Fukuda is alternately performed with any purchase (or preview prior to purchase) action of Gargiulo, similar to the alternate performance of first and second predefined actions as per independent Claim 1.

Moreover, Appellant submits that the Examiner appears to be applying impermissible hindsight in combining Fukuda and Gargiulo to disclose the claimed invention. *See In Re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) (explaining that “[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight”). Moreover, the Examiner appears to be ignoring differences between the claimed invention, as a whole, and the cited references. *See* MPEP § 2141.02 (“Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole.”).

For at least the foregoing reasons, Appellant respectfully submits that neither Fukuda nor Gargiulo (nor Miyaji), taken individually or in any proper combination, teach or suggest a controller configured for alternately performing different predefined actions for different states of an actively operating application when the controller receives information from a RF transponder tag or device adapted to operate as such, as recited by independent Claim 1. Appellant therefore respectfully submits that neither Fukuda nor Gargiulo (nor Miyaji), taken individually or in any proper combination, teaches or suggests independent Claim 1, and by dependency Claims 2-8. Appellant also respectfully submits that independent Claims 9 and 17 recite subject matter similar to that of independent Claim 1, including alternately performing first or second predefined actions for different, receiving or presenting states, of an application actively operating on the terminal. Thus, Appellant respectfully submits that independent Claims 9 and 17, and by dependency Claims 10-16 and 18-23, are patentably distinct from Fukuda and Gargiulo (and Miyaji), taken individually or in any proper combination, for at least the same reasons given above with respect to independent Claim 1.

B. Claims 5-8, 13-16 and 21-23 are Patentable

The remaining claims, namely Claims 5-8, 13-16 and 21-23, stand finally rejected as being unpatentable over Fukuda in view of Gargiulo, and further in view of Miyaji. Appellant respectfully submits, however, that Miyaji does not cure the defects of Fukuda and Gargiulo, and accordingly, respectfully submit that the claimed invention is patentably distinct from Fukuda in view of Gargiulo, and further in view of Miyaji. More particularly, similar to Fukuda and Gargiulo, and in contrast to independent Claims 1, 9 and 17, and by dependency Claims 2-8, 10-16 and 18-23, Miyaji does not teach or suggest a controller configured for alternately performing different predefined actions for different states of an actively operating application when the controller receives information from a RF transponder tag or device adapted to operate as such.

Appellant further respectfully submits that various ones of Claims 5-8, 13-16 and 21-23 recite features further patentably distinct from Fukuda, Gargiulo and Miyaji, taken individually or in any proper combination. For example, dependent Claim 7 (and similarly dependent Claims 15 and 23) further recites sending interrogation signals to an RFID transponder tag, where each signal is associated with a different service type; where the service type representing the service offered by the service provider is identified based upon the interrogation signal that triggers a response. In the final Official Action of April 9, 2007, the Examiner cites Fukuda for disclosing this claimed feature. Appellants respectfully disagrees, however, and submits that Fukuda (as well as Gargiulo and Miyaji) do not in fact teach or suggest that its terminal sends any interrogation signal that is associated with a service type; or identifies a service type of a service of a service provider based upon receiving a response to a particular interrogation signal associated with the respective service type. At paragraphs [0067] – [0069], Fukuda discloses its terminal sending a microwave signal that one could argue corresponds to an interrogation signal. Nowhere, however, does Fukuda teach or suggest that this microwave signal has any relation to a service type of a service of a service provider contacted based on information received from its RF-ID tag, similar to dependent Claim 7 (and similarly dependent Claims 15 and 23).

For at least the foregoing reasons, Appellant respectfully submits that Claims 5-8, 13-16 and 21-23 are patentably distinct from Fukuda, Gargiulo and Miyaji, taken individually or in any proper combination.

8. ***Claims Appendix.***

The claims currently on appeal are as follows:

1. (Previously Presented) A terminal for interacting with a service provider for accessing a remote service, the terminal comprising:

a controller configured for actively operating an application, wherein the controller is configured for receiving information from a RF transponder tag or a device adapted to operate as a RF transponder tag at least partially over an air interface, wherein the information includes a service type representing a service offered by the service provider, wherein the controller is configured for contacting the service provider for accessing the service, and thereafter performing a predefined action based upon the service type, the application actively operating on the terminal, and a current state of the application when the controller receives the information, and

wherein the controller is configured for alternately performing a first predefined action when the terminal is actively operating an application in a state of receiving data, and performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information.

2. (Previously Presented) A terminal according to Claim 1, wherein the first predefined action comprises receiving data from the service into an actively operating application.

3. (Previously Presented) A terminal according to Claim 1, wherein the second predefined action comprises sending data to the service, the data sent to the service comprising the data presented by the application.

4. (Previously Presented) A terminal according to Claim 1, wherein the controller is configured for receiving information further including a service locator representing a location of

the service represented by the service type, and wherein the controller is configured for accessing the service based upon the service locator.

5. (Previously Presented) A terminal according to Claim 1, wherein the controller is further configured for selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag.

6. (Previously Presented) A terminal according to Claim 5, wherein the controller is configured for sending an interrogation signal to the RFID transponder tag, and wherein the controller is configured for receiving information from the RFID transponder tag in response to the interrogation signal.

7. (Previously Presented) A terminal according to Claim 5, wherein the controller is configured for sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type, and wherein the controller is also configured for receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and thereafter identifying a service type based upon the interrogation signal that triggers the response.

8. (Previously Presented) A terminal according to Claim 5, wherein the controller is configured for selecting a signaling tag by passing the terminal within a predefined distance of a signaling tag.

9. (Previously Presented) A method of interacting with a service provider for accessing a remote service, the method comprising:

receiving information from a RF transponder tag or a device adapted to operate as a RF transponder tag at a terminal at least partially over an air interface, wherein the information includes a service type representing a service offered by the service provider;

contacting the service provider for accessing the service; and
performing a predefined action based upon the service type, an application actively operating on the terminal, and a current state of the application when the information is received, wherein performing a predefined action comprises alternately performing a first predefined action when the terminal is actively operating an application in a state of receiving data, and performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information.

10. (Previously Presented) A method according to Claim 9, wherein performing a first predefined action comprises receiving data from the service into an actively operating application.

11. (Previously Presented) A method according to Claim 9, wherein performing a second predefined action comprises sending data to the service, the data sent to the service comprising the data presented by the application.

12. (Original) A method according to Claim 9, wherein receiving information comprises receiving information further including a service locator representing a location of the service represented by the service type, and wherein accessing the service comprises accessing the service based upon the service locator.

13. (Original) A method according to Claim 9 further comprising:
selecting a signaling tag before receiving information regarding the signaling tag,
wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag.

14. (Original) A method according to Claim 13 further comprising:

sending an interrogation signal to the RFID transponder tag, wherein receiving information regarding a signaling tag comprises receiving information from the RFID transponder tag in response to the interrogation signal.

15. (Original) A method according to Claim 13 further comprising:
sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type;
receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response; and
identifying the service type based upon the interrogation signal that triggers the response.

16. (Original) A method according to Claim 13, wherein selecting a signaling tag comprises passing the terminal within a predefined distance of a signaling tag.

17. (Previously Presented) A computer program product for interacting with a service provider for accessing a remote service, the computer program product comprising a computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions comprising:
a first executable portion for receiving information from a RF transponder tag or a device adapted to operate as a RF transponder tag at a terminal at least partially over an air interface, wherein the information includes a service type representing a service offered by the service provider;
a second executable portion for contacting the service provider for accessing the service;
and
a third executable portion for performing a predefined action based upon the service type, an application actively operating on the terminal, and a current state of the application when the first executable portion receives the information,
wherein the third executable portion is adapted to alternately perform a first predefined action when the terminal is actively operating an application in a state of receiving data, and

performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information.

18. (Previously Presented) A computer program product according to Claim 17, wherein the first predefined action comprises receiving data from the service into an actively operating application.

19. (Previously Presented) A computer program product according to Claim 17, wherein the second predefined action comprises sending data to the service, the data sent to the service comprising the data presented by the application.

20. (Original) A computer program product according to Claim 17, wherein the first executable portion is adapted to receive information further including a service locator representing a location of the service represented by the service type, and wherein the second executable portion is adapted to access the service based upon the service locator.

21. (Original) A computer program product according to Claim 17 further comprising:

a fourth executable portion for selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag.

22. (Original) A computer program product according to Claim 21 further comprising:

a fifth executable portion for sending an interrogation signal to the RFID transponder tag, wherein the first executable portion is adapted to receive information from the RFID transponder tag in response to the interrogation signal.

23. (Original) A computer program product according to Claim 21 further comprising:

a fifth executable portion for sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type;

a sixth executable portion for receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response; and

a seventh executable portion for identifying the service type based upon the interrogation signal that triggers the response.

24. (Cancelled)

25. (Previously Presented) A terminal according to Claim 1, wherein the first predefined action comprises receiving data from the service into the actively operating application, and the second predefined action comprises sending data presented by the actively operating application to the service.

26. (Cancelled)

27. (Previously Presented) A method according to Claim 9, wherein the first predefined action comprises receiving data from the service into the actively operating application, and the second predefined action comprises sending data presented by the actively operating application to the service.

28. (Cancelled)

29. (Previously Presented) A computer program product according to Claim 17, wherein the first predefined action comprises receiving data from the service into the actively operating application, and the second predefined action comprises sending data presented by the actively operating application to the service.

9. ***Evidence Appendix.***

None.

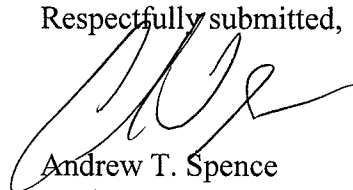
10. ***Related Proceedings Appendix.***

None.

CONCLUSION

For at least the foregoing reasons, Appellants respectfully request that the rejections be reversed.

Respectfully submitted,



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